

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BINYAMIN EL,

Plaintiff,

vs.

ABBI RAMSHEK, CAROLINE SOJKA,
NATHAN KLEIN, EMILY MEDCALF, and
GEORGE THOMPSON,

Defendants.

8:25CV38

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's "Application to Proceed by Making Payments," which the Court has docketed as a Motion for Leave to Proceed in Forma Pauperis ("IFP"). [Filing No. 2](#). With his IFP Motion, Plaintiff submitted a check in the amount of \$100.00 and states he "would like to make payments in regards to cost for litigation . . . or any other expenses" associated with the Complaint, [Filing No. 1](#), he filed. [Filing No. 2](#). Upon consideration, Plaintiff is permitted to proceed IFP.

Prisoner plaintiffs are required to pay the full amount of the Court's \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. [28 U.S.C. § 1915\(b\)](#). The Prison Litigation Reform Act "makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997); *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 (D. Neb. 2001).

Pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#), Plaintiff must pay an initial partial filing fee in the amount of 20 percent of the greater of Plaintiff's average monthly account balance or average monthly deposits for the six months preceding the filing of the Complaint.

Here, the Court finds the initial partial filing fee is \$22.40, based on Plaintiff's stated average monthly deposits in the amount of \$112.00. See [Filing No. 2](#). Plaintiff's payment of \$100.00 submitted with his Complaint and IFP Motion satisfies his obligation to pay his initial partial filing fee.

In addition to the initial partial filing fee, Plaintiff must "make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." [28 U.S.C. § 1915\(b\)\(2\)](#). The statute places the burden on the prisoner's institution to collect the additional monthly payments and forward them to the Court as follows:

After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

[28 U.S.C. § 1915\(b\)\(2\)](#). Therefore, after payment in full of the initial partial filing fee, Plaintiff's institution must collect the remaining installments of the filing fee and forward the payments to the Court.

Plaintiff is advised he will remain responsible for the entire filing fee, as long as he is a prisoner, even if the case is dismissed at some later time. See [In re Tyler](#), [110 F.3d at 529–30](#); [Jackson](#), [173 F. Supp. 2d at 951](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP, [Filing No. 2](#), is granted.
2. Plaintiff is assessed an initial partial filing fee of \$22.40, and the Court has received and accepted his payment of \$100.00 in satisfaction of his obligation to pay his initial partial filing fee.


3. Plaintiff's institution must collect the additional monthly payments in the manner set forth in [28 U.S.C. § 1915\(b\)\(2\)](#), quoted above, and forward those payments to the Court.

4. The clerk's office is directed to send a copy of this order to the appropriate official at Plaintiff's institution.

5. Plaintiff is advised that the next step in Plaintiff's case will be for the Court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The Court will conduct this initial review in its normal course of business.

Dated this 4th day of February, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", written over a horizontal line.

Joseph F. Bataillon
Senior United States District Judge